

REMARKS

The Office Action found claims 4 and 5 to be duplicative. The present amendment deletes claim 5 to correct this problem.

Claim 9 was found to be indefinite. This amendment makes claim 9 definite.

New Claims 20-35 are added to better claim the invention.

Claim 1-3, 6-7, 12-16 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. pat. no. 6,721,272 to Parnafes et al.(Parnafes). These same claims were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. pat. no. 6,765,927 to Martin et al. (Martin).

As now amended Claim 1 includes the limitations of original claims 6, 7, and 8, thereby eliminating both Parnafes and Martin as a 102(e) references against claim 1 and its dependents claims 2, 3, 4, 12-16.

Claim 1, as now amended including limitations of original claims 1, 6, 7, and 8, shares the rejection of original claim 8 on page 9 of the Office Action. This rejection is under 35 U.S.C. 103(a) citing Martin and RFC 2326 as rendering original claim 8 unpatentable.

Please note that as now amended claim 1 includes the limitation of:

a packet classification engine for snooping on Real Time Streaming Protocol (RTSP) messages for determining the bandwidth of the stream;

This limitation includes “snooping” and the RFC 2326, the RTSP specification for streaming data. It is respectfully pointed out that Martin does not mention or suggest these limitations.

Martin on page 3, line 21 discloses that the “Edge switch 140 receives the data packet, determines that ...” The Martin reference only describes receiving messages, Martin never mention “snooping” or “sniffing” the messages. Martin’s invention receives the messages and then forwards them or modified versions or new messages in place of the received messages.

Since Martin never describes an equivalent to “snooping,” it is reasonable to conclude that Martin purposely left that feature out of his invention. In addition, Martin describes RFC 2205, TSPEC, QoS, but never mentions or describes RFC 2326 (RTSP). Again, RFC 2326 (RTSP) is well known in the art as the Examiner mentions, and, it can be reasonably assumed, Martin purposely did not mention it. Therefore, since Martin does not suggest snooping and does not mention RTSP, the Examiner’s statement at the bottom of page 9 that Martin snoops “RTSP stream messages” is not supported in Martin and is not suggested in Martin. Moreover, there are no limitations or advantages in Martin that would lead one skilled in the art to claim 1 as now amended.

On page 10 of the Office Action, original claims 17-19 were rejected under 35 U.S.C. 103(a) citing Martin as applied to claims 1-2 and further in view of RFC 2996. Original claim 17 depended from claim 2 that depended from claim 1.

As now amended claim 17 includes the limitation of original claims 1 and 2. On page 10 of the Office Action, the Examiner states that Martin fails to disclose means for obtaining a differentiated services codepoint DSCP value that is based on bandwidth. Martin also fails to disclose the loading of the DSCP into the RSVP Path message. Martin also fails to disclose the intermediate network device of original claim 18 of a DCLASS object containing the DSCP.

On page 11, the Examiner then simply states that it would have been obvious for one skilled in the art to include the DSCP codepoint value and the artifacts from the RFC 2996 to suggest original claim 17. But, the Examiner fails to point out where Martin suggests such a combination, or what problems exist that would be solved by such a combination, or what advantages might be gained by such a combination. In short, the combining of Martin with DSCP and 2996 is only made by the Examiner with no such indications in Martin. In order to combine such references there must be some incentive or suggestion within the references themselves and since none exist, it is respectfully requested that this combination be removed as applied against this application.

New claims 20-35 are added. In each of these cases, there is a first receiving of a message from the client from which information is derived. Please refer to the original application, in the SUMMARY on page 6, lines 24-26, ".the classification engine examines...and identifies client request seeking to initiate a multimedia session."

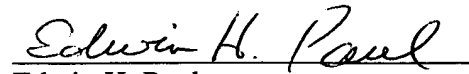
Both Parnafels (see col. 3, line 53 and other places) and Martin (see col. 1, lines 60 and other places) first detect traffic from the server or the sender, not from the client. Claims 20-28 all have the same limitation for first detecting a request from the client and so claims 20-28 distinguish these references.

The remaining claims 1-4, 9-35 in the present application distinguish the cited references and a Notice of Allowance is respectfully requested.

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Respectfully submitted,



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